

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: April 18, 2016

* * * * *	*	UNPUBLISHED
JACKIE EVANS,	*	
	*	No. 16-97
Petitioner,	*	
	*	
v.	*	Special Master Hamilton-Fieldman
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	Ruling on Entitlement; Conceded;
	*	Influenza (Flu) Vaccine; Shoulder Injury
Respondent.	*	Related to Vaccine Administration
	*	(SIRVA).

* * * * *

Jeffrey S. Pop, Jeffrey S. Pop, Attorney at Law, Beverly Hills, CA, for Petitioner.

Douglas Ross, United States Department of Justice, Washington, D.C., for Respondent.

RULING ON ENTITLEMENT¹

On January 19, 2016, Jackie Evans (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“the Program”).² Petitioner alleged that an influenza (“flu”) vaccination administered on September 28, 2013 caused her to suffer from a shoulder injury related to vaccine administration (“SIRVA”).

On April 18, 2016, Respondent filed a report pursuant to Vaccine Rule 4(c) in which she concedes that Petitioner is entitled to compensation in this case. Specifically, Respondent agrees

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post this decision on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002 § 205, 44 U.S.C. § 3501 (2012). In accordance with the Vaccine Rules, each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, the undersigned agrees that the identified material fits within the requirements of that provision, such material will be deleted from public access.

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

that Petitioner's alleged injury is consistent with SIRVA. Based on a review of the medical records, Respondent concludes that Petitioner has satisfied all legal prerequisites for compensation under the Act.

A special master may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. §300aa-13; Vaccine Rule 8(d). In light of Respondent's concession and a review of the record, the undersigned finds that Petitioner is entitled to compensation. This matter shall now proceed to the damages phase.

IT IS SO ORDERED.

s/ Lisa Hamilton-Fieldman
Lisa Hamilton-Fieldman
Special Master